

ZB# 04-53

Michael Sulla

75-10-9

ZBA #04-53 MICHAEL SULLA (AREA)
380 FROST LANE (75-10-9)

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 7-26-04

Michael + Kathleen Sulla 565-8220



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695**

OFFICE OF THE ZONING BOARD OF APPEALS

December 16, 2004

Michael & Kathleen Sulla
380 Frost Lane
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-53

Dear Mr. & Mrs. Sulla:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

MICHAEL & KATHLEEN SULLA

AREA

CASE #04-53

WHEREAS, Kathleen Sulla , owner(s) of 380 Frost Lane, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 20 ft. Rear Yard Setback for existing attached rear deck (Bulk Tables – G-8) and; 4 ft. Side Yard Setback and 5 ft Rear Yard Setback for existing shed (300-11-A-1-B)

All at 380 Frost Lane in an R-4 Zone (75-10-9)

WHEREAS, a public hearing was held on July 26, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The deck and shed have been in existence for approximately two years, during which time no complaints have been received about either, formally or informally.

- (c) In constructing the deck and shed the applicant did not remove any trees or substantial vegetation.
- (d) Neither the deck nor the shed creates the ponding or collection of water or diverts the flow of water drainage.
- (e) Neither the deck nor the shed are built on top of nor do they interfere with any easements or rights-of-way, including, but not limited to, water, sewer and electric easements.
- (f) Both the deck and the shed are similar in size and appearance to other decks and sheds in the neighborhood.
- (g) If the deck had not been constructed, a person exiting the home would be likely to sustain serious physical injury.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance(s).

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 20 ft. Rear Yard Setback for existing attached rear deck (Bulk Tables – G-8) and; 4 ft. Side Yard Setback and 5 ft Rear Yard Setback for existing shed (300-11-A-1-B)

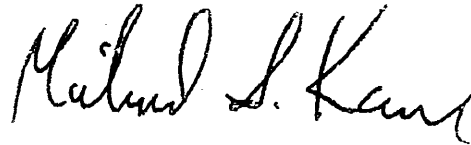
All at 380 Frost Lane in an R-4 Zone (75-10-9)

as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: July 26, 2004



Chairman

1 of 2

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 6/16/04

APPLICANT: Michael Sulla & Kathleen Healy
380 Frost Lane
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 6/14/04

FOR : Existing attached 11x18 deck

LOCATED AT: 380 Frost Lane

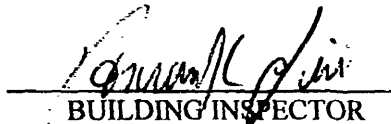
ZONE: R-4 Sec/Blk/ Lot: 75-10-9

COPY

DESCRIPTION OF EXISTING SITE: Existing one family

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing attached 11x18 rear deck does not meet 40ft rear yard set-back. This is a corner lot.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: G-8

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 40ft

20ft

20ft

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

04-53

() PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
()
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Final plan completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

JUN 14 2004

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: _____

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY, FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises

Michael Sella & Kathleen Healy

Address

380 Frost Ln New Windsor

Phone #

565-8220

Mailing Address

NY 12553

Fax #

Name of Architect

Address

Phone

Name of Contractor

L L Contractors

Address

217 Edgewood Dr Newburgh, NY Phone 565-6055

State whether applicant is owner, lessee, agent, architect, engineer or builder

Owner

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the N side of Frost Ln
(N,S,E or W)
and 200 feet from the intersection of Mina St

2. Zone or use district in which premises are situated Town of Newburgh Is property a flood zone? Y N ☒

3. Tax Map Description: Section 75 Block 10 Lot 9

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy

Owner Single Family Dwelling

b. Intended use and occupancy

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

Deck

6. Is this a corner lot? yes

existing

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor _____

Number of bedrooms 4 Baths 1 ^{Baths} 1 Shower Toilets 3 Heating Plant: Gas ☒ Oil _____

Electric/Hot Air ☒ Hot Water ☒ If Garage, number of cars 2

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use

n/a

10. Estimated cost _____ Fee 750

ZONING BOARD

PAID

ch# 909
part 8

OK id

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

X Michael L. Babcock
(Signature of Applicant)

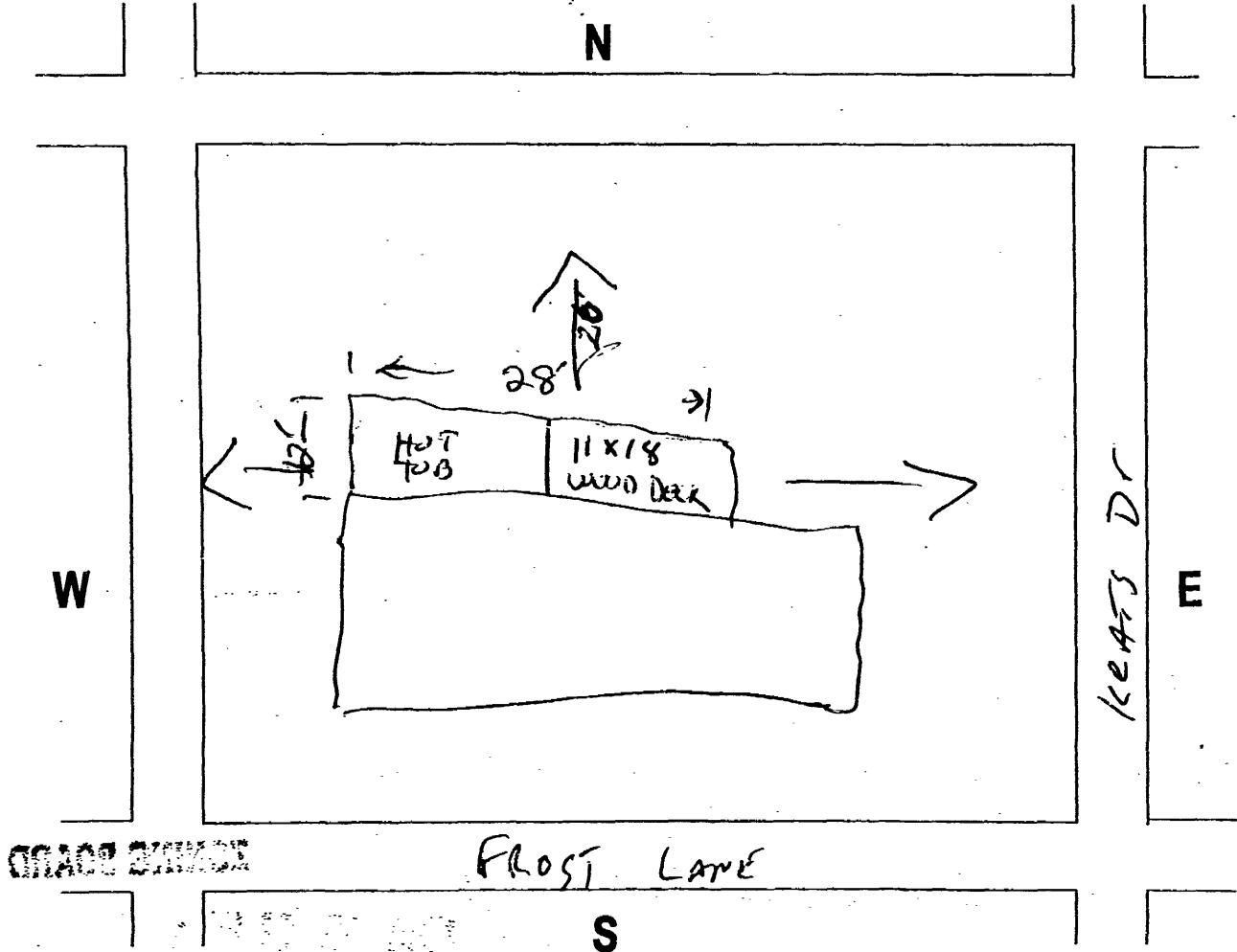
380 Frost Ln New Windsor
(Address of Applicant)

X Kathleen Lisi
(Owner's Signature)

Same
(Owner's Address)

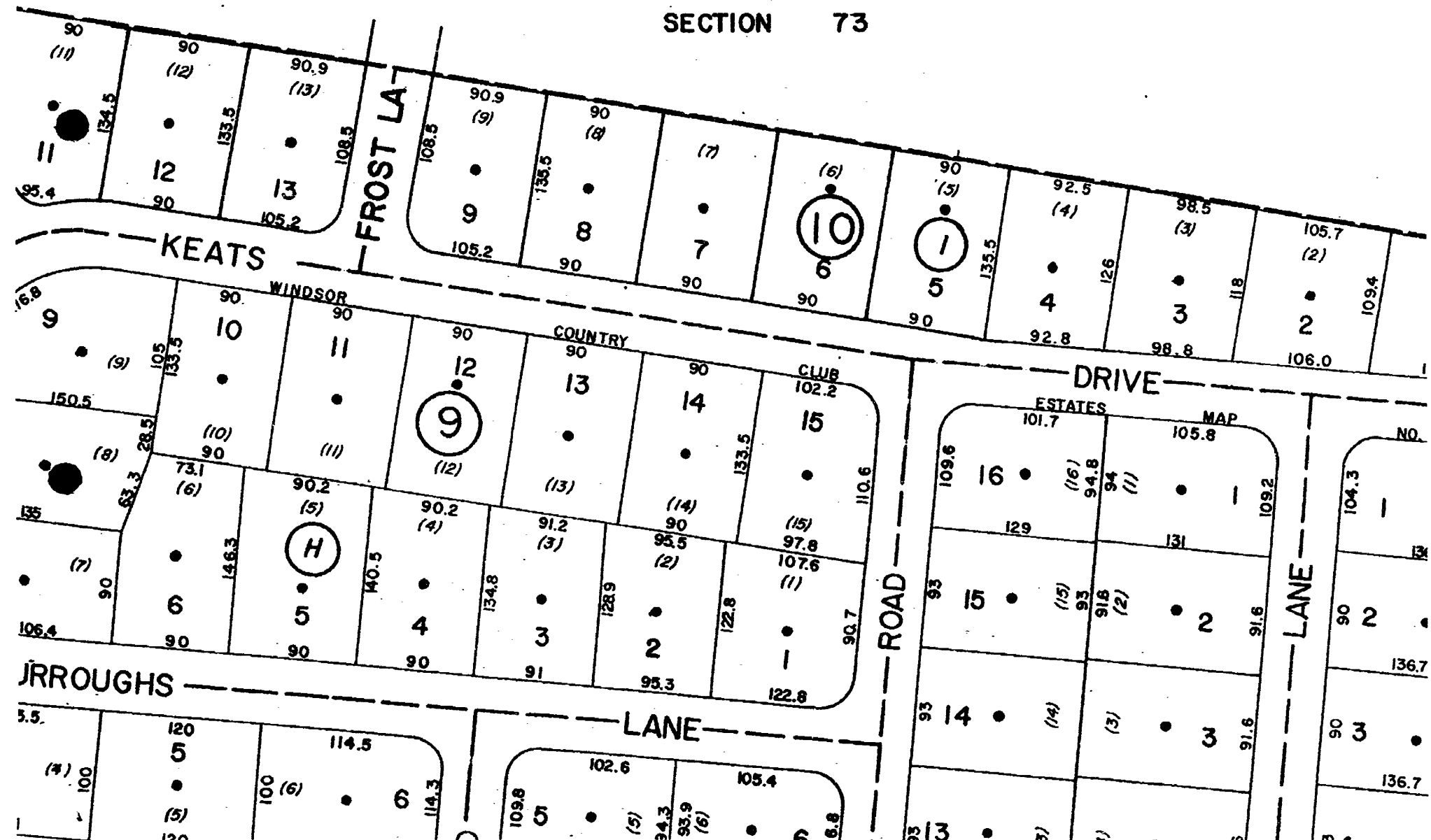
NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

SECTION 73



12550

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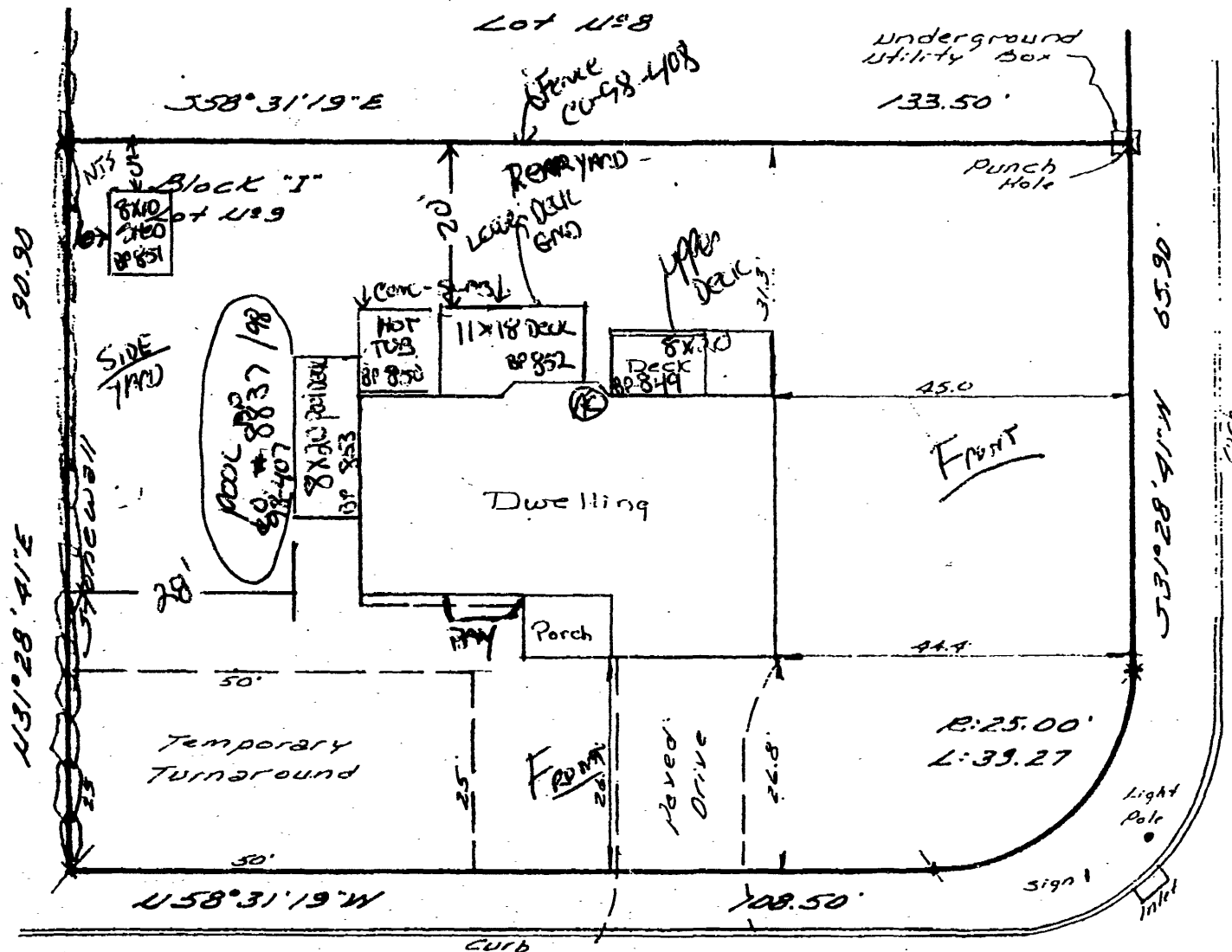
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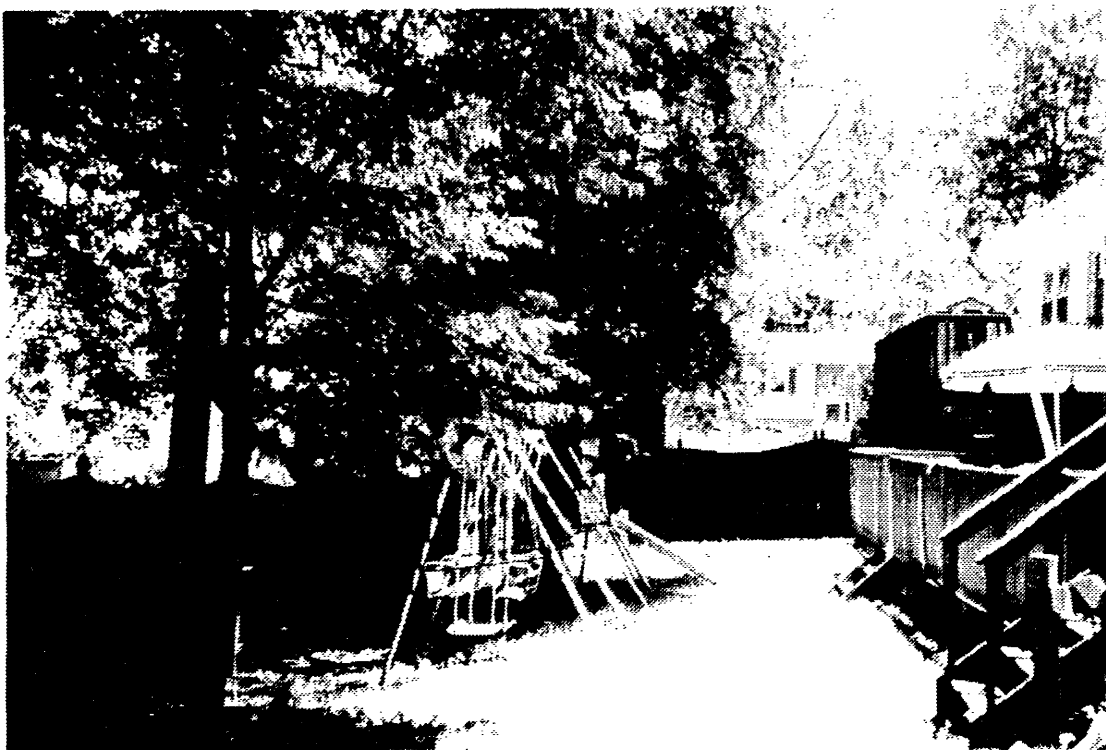
75-10-9

Town of
Section
Map Re.
"Windsor
Filed A,
Map 113

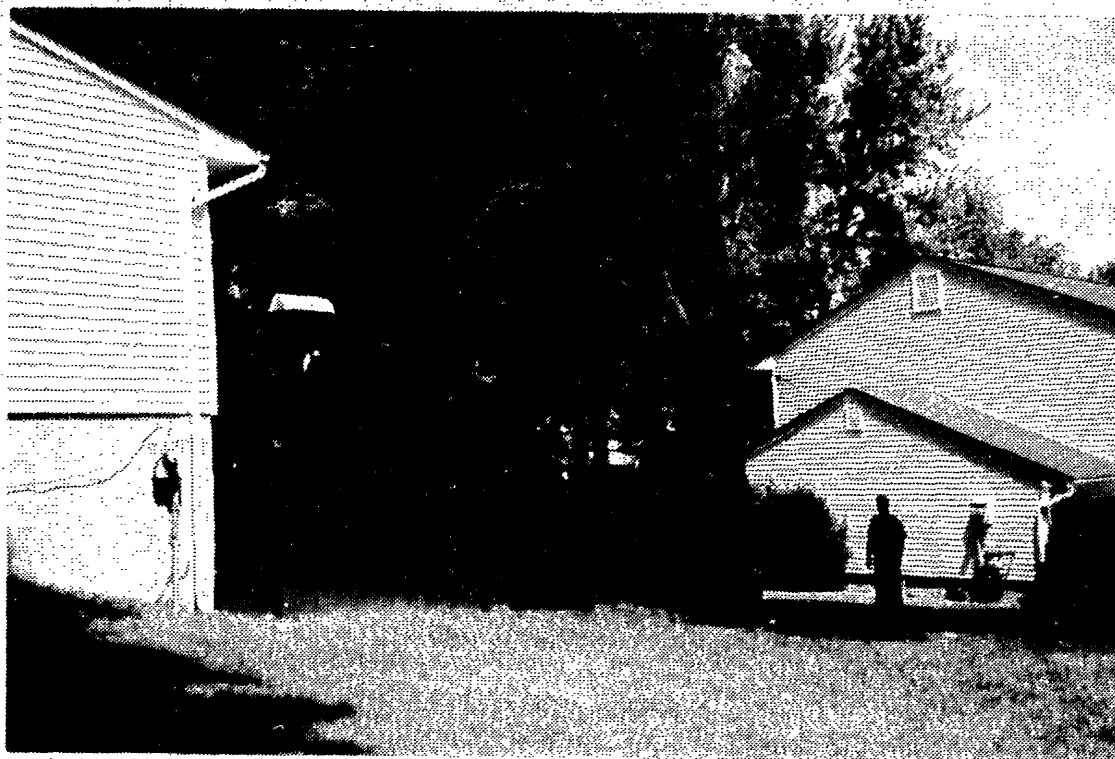


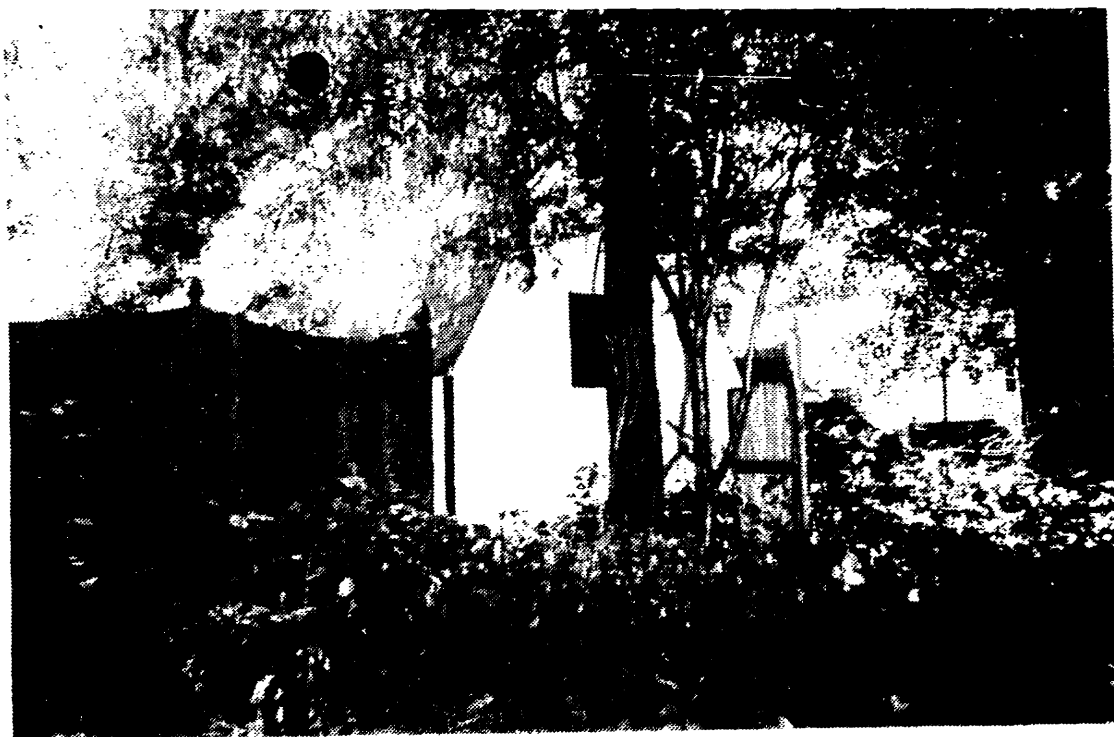
Frost Lane

Leots Drive











**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: OCTOBER 15, 2004
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 191.50 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #04-53

NAME & ADDRESS:

**Michael & Kathleen Sulla
380 Frost Lane
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.10-18-04



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #04-53 TYPE: AREA

APPLICANT Name & Address:

Michael & Kathleen Sulla
380 Frost Lane
New Windsor, NY 12553

TELEPHONE: 565-8220

RESIDENTIAL:	\$ 50.00	CHECK # <u>917</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 918

~~~~~

| <u>DISBURSEMENTS:</u>        |                | <u>MINUTES</u><br><u>\$5.50 / PAGE</u> | <u>ATTORNEY</u><br><u>FEE</u> |
|------------------------------|----------------|----------------------------------------|-------------------------------|
| PRELIMINARY:                 | <u>4</u> PAGES | \$ <u>22.00</u>                        | \$ <u>35.00</u>               |
| 2 <sup>ND</sup> PRELIMINARY: | ___ PAGES      | \$ _____                               | \$ _____                      |
| PUBLIC HEARING:              | <u>3</u> PAGES | \$ <u>16.50</u>                        | \$ <u>35.00</u>               |
| PUBLIC HEARING:              | ___ PAGES      | \$ _____                               | \$ _____                      |

TOTAL:            \$ 38.50            \$ 70.00

~~~~~

ESCROW POSTED: \$ 300.00

LESS: DISBURSEMENTS: \$ 108.50

AMOUNT DUE: \$

REFUND DUE: \$ 191.50

Cc:

L.R. 10-18-04

MICHAEL SULLA (04-53)

MR. KANE: Next up tonight is Michael Sulla, if I'm saying that correctly. 20 foot rear yard setback for existing attached deck and a 4 foot side yard setback and 5 foot rear yard setback for existing shed, all at 380 Frost Lane.

MS. SULLA: Hi, I'm Kathy Sulla...

MR. MINUTA: Mr. Chairman, I'm familiar with the applicant but, I'm in no way

MR. KANE: Okay, thanks for noting that. Tell us what you want to do Ms. Sulla.

MS. SULLA: I would like a 20 foot rear yard setback for an existing deck that I have and also I have a shed that I think it needs a 4 foot side yard setback and a 5 foot rear yard setback.

MR. KANE: Okay, on the deck, the 20 foot rear yard, how long has the deck been in existence.

MS. SULLA: Two years.

MR. KANE: Two years?

MS. SULLA: Yes.

MR. KANE: Okay, cut down any trees or substantial vegetation in the building of the deck?

MS. SULLA: No.

MR. KANE: Create any water hazards or runoffs.

MS. SULLA: No.

MR. KANE: Did you guys build the deck?

MS. SULLA: No. We had someone come in to build it, a contractor.

MR. KANE: Did you file for a permit at that time?

MS. SULLA: No, our contractor said that because it was on the concrete that we wouldn't need a permit, so we just went with what he said.

MR. KANE: It's always good to check with the Building Inspector.

MS. SULLA: I didn't realize and the existing shed, my husband thought that because it wasn't like permanent, it's on those cinder blocks I guess, that it wasn't considered permanent, but, we needed one and we didn't realize it.

MR. KANE: Any complaints formally or informally on the deck?

MS. SULLA: No.

MR. KANE: How about the shed.

MS. SULLA: No.

MR. KANE: Any easements, do you have town water and sewer.

MS. SULLA: Do I have town water, yes.

MR. KANE: Any easements that you know of that are running through your property in either location?

MS. SULLA: No.

MR. KANE: How big is the deck itself.

MS. SULLA: The deck I believe is 11 X 18.

MR. KANE: And you don't feel that size deck is abnormal for your neighborhood?
Mike, you had a question.

MR. REIS: Yeah, what prompted you to come before the Board?

MS. SULLA: We are selling our house and that is when we found out.

MR. KANE: At this point, I'll see if there is anybody in the audience for this particular hearing. Seeing as there is not, we will open and close the public portion and ask Myra how many mailings we had.

MS. MASON: On July 12th, I mailed out 84 envelopes and had no response.

MR. REIS: I make a motion that we grant the Sullas their requested variance for a 20 foot rear yard setback for the rear deck and a 4 foot side yard setback and 5 foot rear yard setback for an existing shed at 380 Frost Lane.

MR. MINUTA: Second.

ROLL CALL

MS. LOCEY AYE
MS. GANN AYE

MR. REIS: AYE
MR. MINUTA: AYE
MR. KANE: AYE

Motion carried 5 Ayes.

MICHAEL SULLA (04-53)

Mr. and Mrs. Michael Sulla appeared before the board for this proposal.

MR. KANE: Request for 20 ft. rear yard setback for existing attached rear deck and 4 ft. side yard setback and 5 ft. rear yard setback for existing shed all at 380 Frost Lane in an R-4 zone. Tell us what you want to do, sir.

MR. SULLA: We put a deck on the lower level and the shed we put back there a little while ago, wasn't sure I needed a permit for that, we put it on cinder blocks.

MRS. SULLA: We live on a corner property so we don't even have 40 feet from the back.

MR. SULLA: The way the house is facing, should have been at the side yard almost.

MR. KANE: Shed's similar in size and appearance to other sheds that are in the neighborhood?

MR. SULLA: Yes.

MR. KANE: And this is an existing shed?

MRS. SULLA: Yes.

MR. KANE: Any complaints formally or informally on the shed?

MR. SULLA: No.

MR. KANE: Cut down any trees or substantial vegetation?

MR. SULLA: No.

MR. KANE: Create any water hazards or runoffs?

MR. SULLA: No.

MR. KANE: That's it on the shed. Mike, it's just the 11 x 18 deck that we're doing the variance for the lower deck?

MRS. SULLA: Originally, we were going for the other one that's on top but then when I went into your office they said once we get the one for the lower, the other one should be included.

MR. KANE: Okay.

MR. BABCOCK: Yes, that's correct, Mr. Chairman.

MR. KANE: And since it's if I'm reading this correct is this 31.3 from the house to the back?

MR. SULLA: Yeah, yes.

MR. KANE: So your back yard no matter what you put back there you would need some kind of a variance?

MR. SULLA: Yes.

MR. KANE: You have a pool over here?

MRS. SULLA: Yes.

MR. KANE: Any questions, gentlemen?

MR. REIS: Do we have a C.O. for the existing pool?

MR. SULLA: Yes.

MR. KANE: Mike, when you look at their map, just to bring it up as I always do, is there any area coverage that we need to look at?

MR. BABCOCK: We can, it doesn't appear that anybody did that calculation, we can do that though.

MR. KANE: You heard me before, if there's something that we see I'd like to try to get it cleaned up for you so it doesn't come in. What we're talking about with developmental coverage in any town you can only build up your property so much and just looking at the deck and then you have the shed, the hot tub, believe it or not your driveway counts, the house, all that, there's a certain percentage of that property that you can do so we want to doublecheck, make sure it's okay. If not, we'll add it into the application with your permission.

MR. SULLA: Yeah.

MRS. SULLA: Our house is for sale so that's the reason why we even found this out.

MR. KANE: Then it makes sense to cover everything for you so that doesn't come back and then you'd be back her. Any questions, guys?

MR. REIS: Accept a motion?

MR. KANE: Yes.

MR. REIS: Make a motion that we place Michael Sulla for a public hearing for his requested variances at 380 Frost Lane.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE

June 28, 2004

27

MR. KANE
MR. MINUTA

AYE
ABSTAIN



RESULTS OF Z.B. MEETING OF: July 26, 2004

PROJECT: Michael Sulla ZBA # 04-53
P.B.#

ZBA # 04-53
P.B.#

PROXY

NEGATIVE DEC: M)_____S)_____ VOTE: A____N____

RIVERA

MCDONALD

RETS

MINUTA

KANE

APPROVED: M)____S)____ VOTE: A____N____

RIVERA

MCDONALD

REIS

MINUTA

KANE

M) _____ S) _____

VOTE: A. N.

CARRIED: Y_____ N_____

CARRIED: Y_____ N_____

CARRIED: Y_____ N_____

CARRIED: Y_____ N_____

CARRIED: Y_____ N_____

STATEMENT OF MAILING READ INTO MINUTES

MDRS S)MN VOTE: A N.

CARRIED: Y_____N_____.

CARRIED: Y_____N_____.

CARRIED: Y_____N_____.

CARRIED: Y_____N_____.

CARRIED: Y_____N_____.

[illegible]

-----X

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 2007

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 04-53

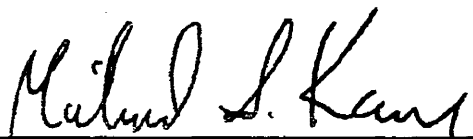
Request of MICHAEL SULLA

for a VARIANCE of the Zoning Local Law to Permit:

**20 ft. Rear Yard Setback for existing attached rear deck (Bulk Tables – G-8) and;
4 ft. Side Yard Setback and 5 ft Rear Yard Setback for existing shed (300-11-A-1-B)**

All at 380 Frost Lane in an R-4 Zone (75-10-9)

**PUBLIC HEARING will take place on JULY 26, 2004
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.**

A handwritten signature in dark ink, appearing to read "Michael S. Kane", is written over a horizontal line.

Michael Kane, Chairman



1763

Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

July 7, 2004

Michael & Kathleen Sulla
380 Frost Lane
New Windsor, NY 12553

Re: 75-10-9 ZBA#: 04-53

Dear Mr. & Mrs. Sulla:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$105.00, minus your deposit of \$25.00.

Please remit the balance of \$80.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

73-1-12
Michael O'Hara
421 Philo Street
New Windsor, NY 12553

73-1-15
Michael & Trude Antonacci
609 Sim Street
New Windsor, NY 12553

73-2-18
Vicki & Robin Cohen
332 Nina Street
New Windsor, NY 12553

73-2-21
Mary Hagen
326 Nina Street
New Windsor, NY 12553

73-3-11
Joseph & Elizabeth Como
433 Philo Street
New Windsor, NY 12553

73-3-14
Kenneth & Jeanne Martin
427 Philo Street
New Windsor, NY 12553

73-4-3
William Corcoran
448 Philo Street
New Windsor, NY 12553

73-4-6
Thomas Trinajstic
454 Philo Street
New Windsor, NY 12553

73-4-11
Joseph Hafner
Hyon Lemons
333 Nina Street
New Windsor, NY 12553

73-4-14
John & Catherine Canale
327 Nina Street
New Windsor, NY 12553

73-1-13
Dominick & Melissa Pileggi
423 Philo Street
New Windsor, NY 12553

73-2-16
Brendan DeMilt
336 Nina Street
New Windsor, NY 12553

73-2-19
Francis & Geraldine Nicolosi
330 Nina Street
New Windsor, NY 12553

73-3-1
Reggie & Vanessa Hanks
357 Nina Street
New Windsor, NY 12553

73-3-12
Eric Cooper
431 Philo Street
New Windsor, NY 12553

73-4-1
Bob & Rosemary Hersh
444 Philo Street
New Windsor, NY 12553

73-4-4
Christopher & Elke Spencer
450 Philo Street
New Windsor, NY 12553

73-4-9
Ursula Roberts
337 Nina Street
New Windsor, NY 12553

73-4-12
Daniel Peralta
331 Nina Street
New Windsor, NY 12553

73-5-4
Hadassa Schwartz
316 Nina Street
New Windsor, NY 12553

73-1-14
Patrick & MaryAnn McCarthy
425 Philo Street
New Windsor, NY 12553

73-2-17
Marilyn Mutinelli
334 Nina Street
New Windsor, NY 12553

73-2-20
Thomas & Joanne Farrell
328 Nina Street
New Windsor, NY 12553

73-3-2
Robert & Nea Condosta
355 Nina Street
New Windsor, NY 12553

73-3-13
John & Mary Guarracino
429 Philo Street
New Windsor, NY 12553

73-4-2
Thomas & Kathleen Finneran
446 Philo Street
New Windsor, NY 12553

73-4-5
Kevin & Leslie Hofving
452 Philo Street
New Windsor, NY 12553

73-4-10
Samuel Martinez, Jr.
335 Nina Street
New Windsor, NY 12553

73-4-13
Jose Escobar
329 Nina Street
New Windsor, NY 12553

73-5-5
Harold & Susan Boro
318 Nina Street
New Windsor, NY 12553

73-5-6
Robert & Pamela Ramos
320 Nina Street
New Windsor, NY 12553

73-5-7
Myra Davis Thomas
322 Nina Street
New Windsor, NY 12553

73-5-8
Steven Weissman
324 Nina Street
New Windsor, NY 12553

73-7-21
Terri & George Jessen, III
436 Philo Street
New Windsor, NY 12553

73-7-22
Richard & Rose Linet
438 Philo Street
New Windsor, NY 12553

73-7-23
Matthew & Carla Weiss
440 Philo Street
New Windsor, NY 12553

73-7-24
Frank & Deborah Prego
442 Philo Street
New Windsor, NY 12553

73-7-25
Peter & Julie Daly
325 Nina Street
New Windsor, NY 12553

73-7-26
Robert & Mary Volz
323 Nina Street
New Windsor, NY 12553

73-7-27
Mikhail Ostritsky
Alexandra Ostritskay
321 Nina Street
New Windsor, NY 12553

73-7-28
Harriet Chittick
319 Nina Street
New Windsor, NY 12553

75-3-6
Joachim & Rochelle Walters
65 Keats Drive
New Windsor, NY 12553

75-3-7
James & Rose Trink
67 Keats Drive
New Windsor, NY 12553

75-3-8
Agostinho & Nannette Dominigues
69 Keats Drive
New Windsor, NY 12553

75-3-9
Raymond Hertel
401 East 89th Street
Apt. 16C
NY, NY 10128

75-3-10
Ronald & Maureen Avallone
73 Keats Drive
New Windsor, NY 12553

75-3-11
Robert & Catherine Kasprak
77 Keats Drive
New Windsor, NY 12553

75-3-12
Robert & Diane Mounier
77 Keats Drive
New Windsor, NY 12553

75-3-13
Antoinette & Robert Faig, Jr.
79 Keats Drive
New Windsor, NY 12553

75-5-1
Jerry & Judith Epstein
305 Stephenson Lane
New Windsor, NY 12553

75-5-2
Khaled & Pamela Baroud
303 Stephenson Lane
New Windsor, NY 12553

75-5-4
Daniel & Susan Twomey
60 Keats Drive
New Windsor, NY 12553

75-5-5
Joseph & Doris Connotillo
314 Burroughs Lane
New Windsor, NY 12553

75-5-6
Leo & Kathleen Braun
316 Burroughs Lane
New Windsor, NY 12553

75-6-4
Warren & Jean Stumpf
336 Hemmingway Road
New Windsor, NY 12553

75-6-5
Geovanni Espinal
318 Burroughs Lane
New Windsor, NY 12553

75-6-6
Michael & Eleni Toromanides
322 Burroughs Lane
New Windsor, NY 12553

75-6-7
Herman & Brenda Belton
347 Shelly Road
New Windsor, NY 12553

75-7-1
James & Helene Lennon
375 Byron Lane
New Windsor, NY 12553

75-7-2
Edward & Kristin Domanico
373 Byron Lane
New Windsor, NY 12553

75-7-13

Richard & Lisa Spencer
348 Shelly Road
New Windsor, NY 12553

75-7-14

Barbara McManus
350 Shelly Road
New Windsor, NY 12553

75-7-15

Joseph & Celeste Cacciola
352 Shelly Road
New Windsor, NY 12553

75-7-16

Inez Montilla
354 Shelly Road
New Windsor, NY 12553

75-9-1

Joseph & Maria Ritosa
323 Burroughs Lane
New Windsor, NY 12553

75-9-2

David Barile
Stephanie Hannigan
321 Burroughs Lane
New Windsor, NY 12553

75-9-3

Dominic Desmond
319 Burroughs Lane
New Windsor, NY 12553

75-9-4

Crystal & Hugh Glenn
317 Burroughs Lane
New Windsor, NY 12553

75-9-5

Joan Ruffino
315 Burroughs Lane
New Windsor, NY 12553

75-9-6

Andrew & Sharon Resler
313 Burroughs Lane
New Windsor, NY 12553

75-9-7

Cynthia Volpe
Mark Tarr
311 Burroughs Lane
New Windsor, NY 12553

75-9-8

Frank & Lenore Stiliho
66 Keats Drive
New Windsor, NY 12553

75-9-9

Maurice & Theresa Swansson
76 Keats Drive
New Windsor, NY 12553

75-9-10

Melissa Henneberry
78 Keats Drive
New Windsor, NY 12553

75-9-11

George Baltsas
Michelle Vina-Baltsas
80 Keats Drive
New Windsor, NY 12553

75-9-12

Joseph & Angela Bell
82 Keats Drive
New Windsor, NY 12553

75-9-13

John & Colleen McManamon
84 Keats Drive
New Windsor, NY 12553

75-9-14

Michael & Jane Lauria
86 Keats Drive
New Windsor, NY 12553

75-10-3

Dirk & Anita Fields
93 Keats Drive
New Windsor, NY 12553

75-10-4

Ben, John & Marcellina Eng
91 Keats Drive
New Windsor, NY 12553

75-10-5

Debra Ann & David Patterson, Jr.
89 Keats Drive
New Windsor, NY 12553

75-10-6

Konstantinos & Margarita Ioannidis
87 Keats Drive
New Windsor, NY 12553

75-10-7

David & Migdalia Ramos
85 Keats Drive
New Windsor, NY 12553

75-10-8

Leo & Sandra Talbot
83 Keats Drive
New Windsor, NY 12553



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

July 12, 2004

Michael & Kathleen Sulla
380 Frost Lane
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-53

Dear Mr. & Mrs. Sulla:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

380 Frost Lane
New Windsor, NY

is scheduled for the July 26, 2004 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 06-24-05

FOR: **04-53 ESCROW**

FROM: **MICHAEL & KATHLEEN SULLA**

380 FROST LANE

NEW WINDSOR, NY 12553

CHECK NUMBER: **918**

TELEPHONE: **565-8220**

AMOUNT: **300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME  DATE 

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

ZBA #04-53

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#651-2004

06/28/2004

Sulla, Michael & Kathleen

Received \$ 50.00 for Zoning Board Fees, on 06/28/2004. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



RESULTS OF Z.B.A. MEETING OF: June 28, 2004

PROJECT: Michael Sully

ZBA # 04-53

P.B.#



USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANE

NEGATIVE DEC: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANE

PUBLIC HEARING: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANE

APPROVED: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANE

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) Rs S) Mc

VOTE: A 4 N 0

RIVERA A
MCDONALD A
REIS A
MINUTA X
KANE A

CARRIED: Y ✓ N

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED:

M) S) VOTE: A N

RIVERA
MC DONALD
REIS
MINUTA
KANE

CARRIED: Y N

Corner lot
Check Dev. Coverage

TOWN OF NEW WINDSOR
REQUEST FOR NOTIFICATION LIST

DATE: 06-28-04 PROJECT NUMBER: ZBA# 04-53 P.B. # _____

APPLICANT NAME: MICHAEL & KATHLEEN SULLA

PERSON TO NOTIFY TO PICK UP LIST:

MICHAEL & KATHLEEN SULLA
380 FROST LANE
NEW WINDSOR, NY 12553

TELEPHONE: 565-8220

TAX MAP NUMBER: SEC. 75 B LOCK 10 LOT 9
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 380 FROST LANE
NEW WINDSOR, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 919

TOTAL CHARGES: _____



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

6/2/04
Date

Application Type: Use Variance ☐ Area Variance ☒
Sign Variance ☐ Interpretation ☐

- I. **Owner Information:** Phone Number: (845) 565-8220
Kathleen Healy & Michael Sula Fax Number: ()
(Name)
380 Frost Lane New Windsor, NY
(Address) 12553
- II. **Applicant:** Phone Number: (845) 565-8220
Kathleen Healy Fax Number: ()
(Name)
380 Frost Ln New Windsor, NY 12553
(Address)
- III. **Forwarding Address, if any, for return of escrow:** Phone Number: ()
Same Fax Number: ()
(Name)

(Address)
- IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ()
Fax Number: ()

(Name)

(Address)
- V. **Property Information:**
Zone: R-4 Property Address in Question: 380 Frost Ln New Windsor
Lot Size: _____ Tax Map Number: Section 25 Block 10 Lot 9
a. What other zones lie within 500 feet? _____
b. Is pending sale or lease subject to ZBA approval of this Application? yes
c. When was property purchased by present owner? 3/18/93
d. Has property been subdivided previously? no If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? no
f. Is there any outside storage at the property now or is any proposed? no

****PLEASE NOTE:****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

The Shed & Deck is
like all the others in the neighborhood,
It doesn't deter from anyones property,
It brings ^{up property} value to my house. The
Deck - for safety reasons is good - when
you open the sliding glass door to the deck is
there, the existing shed (which was
made by 'mr. shed' - is in excellent condition
& both bring up my property value - which
in turn Brings up the property value of
my neighbors,

Kathleen Kelly ✓

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

The Deck has a motion detector light
our home has always been maintained
very well to keep New Windsor Beautiful.

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☒ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☒ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☒ Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT THREE(3) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

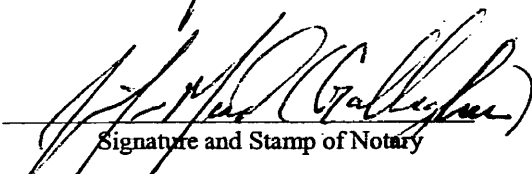
) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

23rd day of June 2004.


Signature and Stamp of Notary

Kathleen Sulla
Owner's Signature (Notarized)

Kathleen Sulla
Owner's Name (Please Print)
DL# 668-112-162 exp. 02-17-12

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	10 FT	6 FT	4 FT - shed
Reqd. Rear Yd.	10 FT 40 FT	5 FT 20 FT	5 FT - SHED 20 FT - DECK
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

**PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO
IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.**

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00 ✓
*ESCROW:	\$300.00 ✓
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00 ✓

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

**

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (*self-sealing envelopes are much appreciated*) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. ***YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.***

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

**** MUST READ AND SIGN ****

I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).

Kathleen Sulla 6/23/04
SIGNATURE DATE

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.
(JULY AND AUGUST – ONE MEETING PER MONTH ONLY)